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Division of Open Government
Notice of Emergency Regulation

Proposed Amendment to 940 CMR 29.10(8)
Remote Participation: Further Restriction by Adopting Authority
Issued: May 24, 2012

The Attorney General issued an emergency regulation, effective May 24, 2012, that clarifies the section of the Open Meeting Law regulations dealing with restrictions by adopting authorities on the use of remote participation by members of public bodies. This new regulation replaces 940 CMR 29.10(8), which currently reads:

Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.

The new regulation reads as follows:

Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

This emergency regulation will be in effect until August 22, 2012. The Attorney General will hold a public hearing on this regulation pursuant to G.L. c. 30A, § 2. **The hearing will be held at One Ashburton Place, 21st Floor, Boston, MA on Tuesday, July 17, 2012 from 3:00PM to 5:00PM.** Copies of this regulation can be found at www.mass.gov/ago/openmeeting or may be obtained at One Ashburton Place, 20th Floor, Boston, MA. If any member of the public wishing to attend this hearing seeks special accommodations in accordance with the American with Disabilities Act, please contact Philip Mantyla at 617-963-2055, or at Philip.Mantyla@state.ma.us.

The public is also encouraged to submit written comments on this regulation. Comments should be limited to this regulation only. Please direct comments to Amy Nable, Director, Division of Open Government, Office of the Attorney General, One Ashburton Place, 20th Floor, Boston, MA 02108. Comments may also be submitted electronically to openmeeting@state.ma.us. **Comments must be submitted by July 17, 2012 at 5:00PM.**